United Nations S/AC.44/2004/(02)/4

Security Council

Distr.: General
14 October 2004

Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 4 October 2004 from the Permanent Representative of China to the United Nations addressed to the Chairman of the Committee

With reference to your letter dated 21 June 2004, I have the honour to transmit herewith the first report of the Government of China in accordance with paragraph 4 of Security Council resolution 1540 (2004) (see annex).

(*Signed*) **Wang** Guangya
Ambassador
Permanent Representative of China to the United Nations

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Annex to the letter dated 4 October 2004 from the Permanent Representative of China to the United Nations addressed to the Chairman of the Committee

[Original: Chinese]

Report of China on implementation of United Nations Security Council resolution 1540 (2004)

China stands for the complete prohibition and thorough destruction of all kinds of weapons of mass destruction, including nuclear, biological and chemical weapons, and opposes the proliferation of such weapons and their means of delivery. China stands for the attainment of the non-proliferation goal through peaceful means, i.e. on the one hand, the international non-proliferation mechanism must be continually improved and export controls of individual countries must be updated and strengthened; and, on the other hand, proliferation issues must be settled through dialogue and international cooperation, and the role of the United Nations in the field of non-proliferation must be reinforced.

China supports the strict implementation of Security Council resolution 1540 (2004). Following adoption of the resolution, the Chinese Ministry of Foreign Affairs published the full text of the resolution on its web site. In accordance with the provisions of the resolution, and with reference to the guidelines for the preparation of reports of the Security Council Committee established pursuant to resolution 1540 (2004), China hereby submits its report on measures taken to implement the resolution, as follows:[1]

1. **Operative paragraph 1 of the resolution:**

States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;

China stands for the complete prohibition and thorough destruction of all kinds of weapons of mass destruction, including nuclear, biological and chemical weapons, and resolutely opposes the proliferation of such weapons and their means of delivery. The white paper entitled "China's Non-Proliferation Policy and Measures", issued in December 2003, clearly sets forth China's non-proliferation policy, and reaffirms that China does not support, encourage or assist any country to develop weapons of mass destruction or their means of delivery. On the basis of this policy, and in accordance with China's laws and regulations, China does not provide any form of support to non-State actors that attempt to develop, acquire,

[1] In accordance with the "one country, two systems" policy, it is China's Central Government that is responsible for matters relating to the foreign affairs and defence of its Hong Kong and Macao Special Administrative Regions, while the two Regions enjoy executive, legislative and independent judicial and final-adjudication power. The Governments of the two Regions are responsible for maintaining local public order, and with the authorization of the Central Government, may also handle certain matters pertaining to external affairs. For this reason, the Governments of the two Regions and the Central Government may take some different measures in their respective implementation of resolution 1540 (2004); in such cases, the measures will be separately elaborated in the present report.

manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

2. **Operative paragraph 2 of the resolution:**

All States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

– For many years, China has been promulgating and implementing a series of laws and regulations imposing strict controls on materials, equipment and technologies that can be used to develop and produce nuclear, biological and chemical weapons and their means of delivery. No individual or entity is permitted to manufacture, acquire, possess, develop, transport, transfer or use such items without authorization. Foremost among these laws and regulations are the following:

1. Amendment III to the Criminal Law of the People's Republic of China
2. Regulations of the People's Republic of China on the Control of Nuclear Export, and control list
3. Regulations of the People's Republic of China on the Control of Nuclear Dual-Use Items and Related Technologies Export, and control list
4. Regulations of the People's Republic of China on the Export Control of Dual-Use Biological Agents and Related Equipment and Technologies, and control list
5. Regulations of the People's Republic of China on the Administration of the Controlled Chemicals, and the Controlled Chemicals List
6. Measures on the Export Control of Certain Chemicals and Related Equipment and Technologies, and control list
7. Regulations of the People's Republic of China on Export Control of Missiles and Missile-Related Items and Technologies, and control list
8. Regulations of the People's Republic of China on Administration of Arms Export, and control list

The full texts of the foregoing laws, regulations and control lists may be consulted on the web site of the Ministry of Foreign Affairs of the People's Republic of China (http://www.mfa.gov.cn).

– The Hong Kong Special Administrative Region has formulated a set of proliferation-control laws and regulations. Among them, the Biological Weapons Ordinance (Hong Kong Laws, Chapter 491) prohibits the development, production, stockpiling, acquisition and possession of certain biological agents and toxins and of biological weapons; the most severe penalty for violators is imprisonment for life. The Chemical Weapons (Convention) Ordinance (Laws of Hong Kong, Chapter 578) prohibits the use, development, production, acquisition, stockpiling or possession of a chemical weapon, as well as participation in the transfer of a chemical weapon; the

most severe penalty for violators is imprisonment for life. The Weapons of Mass Destruction (Control of Provision of Services) Ordinance (Laws of Hong Kong, Chapter 526) strictly prohibits the provision of services, such as brokering or financing, that could assist the development, production, acquisition or stockpiling of weapons of mass destruction. The Import and Export Ordinance (Laws of Hong Kong, Chapter 60) imposes licence controls on the import and export (including transit) of related items, and prohibits the import or export of strategic items unless under and in accordance with licences. Moreover, the United Nations (Anti-Terrorism Measures) Ordinance (Laws of Hong Kong, Chapter 575) prohibits the provision of weapons to terrorists or those associated with terrorists.

– The framework of proliferation-control legislation of the Macao Special Administrative Region includes pertinent provisions of the Macao Criminal Code prohibiting the use of weapons and explosives, Decree-Law 77/99/M on arms and ammunitions, and laws and regulations on external trade (Law no. 7/2003, Administrative Regulation no. 28/2003, and Chief Executive Orders nos. 225/2003 and 272/2003). Of these, the Macao Criminal Code criminalizes the importation, manufacture, storage, purchase, sale or transfer in any form or possession, transport, distribution, possession, use or carriage on the person, of prohibited weapons, explosive devices or materials, devices or materials capable of producing nuclear explosions, radioactive devices or materials, or devices or materials which can be used to manufacture toxic or asphyxiating gases, as well as the provision of support in any form to terrorists or terrorist organizations.

3. **Operative paragraph 3 of the resolution:**

All States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

(b) Develop and maintain appropriate effective physical protection measures;

The Government of China attaches great importance to the control of materials, equipment and technology related to weapons of mass destruction and their means of delivery. In recent years, the Chinese Government has constantly strengthened the work of building a legal system to bolster non-proliferation on the principle of rule of law, and has formulated and enacted a series of laws and regulations, which form a complete system for controlling the proliferation of nuclear, biological, chemical, missile and other sensitive items and technologies, and all military products, and provide a full legal basis and mechanism guarantee for the better attainment of the non-proliferation goal. These laws and regulations have imposed stringent standards on the production and management of sensitive items, clearly delineated the rights and duties of the competent administrative departments, and can effectively guarantee safety in the production, use, storage or transport of these items. At the same time, the relevant legislation also contains the provisions necessary for dealing with violations of the regulations, and establishes a set of punishment mechanisms that include both administrative and criminal penalties.

– *In the nuclear field*, the Chinese Government issued the Regulations on the Control of Nuclear Materials in 1987. Under the Regulations, it instituted a licensing system for the control of nuclear materials, as well as systems for nuclear-materials accountancy, analysis and measurement. It designated the Government department for supervision and control over nuclear materials and defined its duties, the measures for nuclear materials control, the application for, and examination and issuance of, nuclear materials licences, the management of nuclear materials accounts, the accountancy of nuclear materials, the physical protection of nuclear materials, and relevant rewards and punishments. According to these Regulations, the State Council set up a specialized agency for the nuclear industry, responsible for controlling and supervising their implementation. China has already established a system for the accountancy and control of nuclear materials that meets the supervisory requirements of the International Atomic Energy Agency (IAEA), as well as a nuclear materials security system that meets the requirements of the Convention on the Physical Protection of Nuclear Material, making the control of nuclear materials even tighter and more standardized. China also concluded a comprehensive safeguards agreement and the protocol additional to it with IAEA, voluntarily placing some of its civilian nuclear facilities under IAEA safeguards.

China has already acceded to the Convention on Early Notification of a Nuclear Accident, the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, and the Convention on Nuclear Safety; it actively participated in the drafting of and consultations on the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, and has begun the work related to accession to that document. China supports the International Atomic Energy Agency Code of Conduct on the Safety and Security of Radiation Sources; it is in the process of amending the Regulations on the Prevention of and Protection Against Radiation from Radio Isotopes and Radioactive Devices and drafting measures on the safety of radiation sources and rules on the management of radiation accidents consistent with requirements and principles of that Code. China actively participated in the March 2003 International Conference on Security of Radioactive Sources held in Vienna. In October 2004, China will co-host an international conference with IAEA in Beijing on the safety of nuclear facilities.

Drawing on the experience of other countries, China has established more complete systems for nuclear-safety supervision and control, as well as a system for dealing with nuclear contingencies. China has promulgated and put into effect the Regulations on the Safety Regulation for Civilian Nuclear Installations of the People's Republic of China and the Regulations of the People's Republic of China on Emergency Measures against Accidents in Nuclear Power Plants. In October 2003, the Chinese Government also promulgated and put into effect the Law of the People's Republic of China on the Prevention of Radiation Pollution. In order to comprehensively promote the healthy development of atomic power, China is currently putting priority effort into work on legislation related to atomic power. In recent years, it has also augmented the functions of the State Nuclear Accidents Office and strengthened its ability to deal with emergency situations in that regard. Up to the present, China's nuclear industry has maintained a good record for safe operation and environmental protection, and no serious problems have occurred.

– *In the biological field*, the Chinese Government promulgated the Tentative Measures on the Stockpiling and Management of Veterinarian Bacteria Cultures in

1980, the Measures of the People's Republic of China on the Stockpiling and Management of Medical Bacteria Cultures in 1985, the Regulations of the People's Republic of China on the Stockpiling and Management of Bacteria Cultures in 1986, the Regulations on the Management of Veterinary Medicines in 1987, the Law of the People's Republic of China on the Prevention and Control of Infectious Diseases in 1989, the Law on the Quarantine of Animals and Plants Brought into or Taken Out of Chinese Territory in 1991, the Measures for the Control of Biological Products for Animal Uses and the Procedures for the Safe Administration of Agricultural Biological Gene Engineering in 1996, and the Standards for the Quality of the Biological Products for Animal Uses in 2001. These laws, rules and regulations have made strict provisions on the production, control, use, stockpiling, carriage and transfer of relevant bacteria (viruses), vaccines and biological products.

For example, in accordance with the provisions of the Regulations of the People's Republic of China on the Stockpiling and Management of Bacteria Cultures and the Measures of the People's Republic of China on the Stockpiling and Management of Medical Bacteria Cultures, the Chinese Government rigorously manages the collection, storage, supply and use of bacteria cultures and viruses. The stockpiling of medical bacteria cultures and viruses is the responsibility of units designated and uniformly administered by the Ministry of Health, which implements stringently graded management of their supply, usage authorization, pickup, postal dispatch and packaging based on bacterial type. In accordance with the General Code for Biosafety in Bacterial and Biomedical Laboratories, the Chinese Government sets out clear requirements for laboratory biosafety equipment, individual protective installations and measures, special laboratory design and construction criteria, and laboratory management systems and safety operation procedures, as well as setting out detailed regulations on the types, ranking and scope of application of laboratories.

– *In the chemical field*, the Chinese Government promulgated between 1995 and 1997 the Regulations of the People's Republic of China on the Administration of the Controlled Chemicals, the Controlled Chemicals List and the Detailed Rules for the Implementation of the Regulations of the People's Republic of China on the Administration of the Controlled Chemicals, designating the department in charge of the supervision of the controlled chemicals and defining its duties, making a detailed classification of the controlled chemicals and exercising strict control over the production, sale, use, import and export of sensitive chemicals. Under the regulations, the import and export of the controlled chemicals must be handled by the designated departments. No other department or individual is permitted to engage in import and export of these items. In October 2002, the Chinese Government further promulgated the Measures on the Export Control of Certain Chemicals and Related Equipment and Technologies, and the control list. The measures are a substantive supplement to the Regulations on the Administration of the Controlled Chemicals, not only adding 10 chemicals to the list, but also providing for the export control of the related equipment and technologies.

– In addition to the foregoing, the Radiation (Control of Radioactive Substances) Regulations of the Hong Kong Special Administrative Region specify that any person handling, possessing or using radioactive materials (including nuclear materials) must be duly license to do so. Among other conditions governing the licence, licencees are required to take responsibility for the safety and security of the radioactive substances they possess or use. If the radioactive sources involved

meet the criteria set out in the International Atomic Energy Agency's Code of Conduct on the Safety and Security of Radiation Sources (2004), and are being used for other than military or national-defence applications, the licencee is subject to special licensing conditions. These include security and inventory regulations, radiation-detection device installation, and yearly leakage tests and on-site inspections.

(c) **Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;**

– The border-control police authorities of China are responsible for carrying out the border administration in accordance with the relevant national laws and regulations, border-administration policies, and the multilateral or bilateral treaties and agreements signed with the foreign countries concerned. Pertinent legislation already promulgated includes the Law of the People's Republic of China on the Control of the Exit and Entry of Citizens and its Rules for Implementation, the Law of the People's Republic of China on the Control of the Entry and Exit of Aliens and its Rules for Implementation, the Regulations of the People's Republic of China on Exit and Entry Frontier Inspections, and relevant articles of the Criminal Law of the People's Republic of China. On the basis of the aforementioned laws and regulations, and in close cooperation with the foreign-affairs, customs and communications authorities, the border-control authorities prevent and combat the illicit trafficking in nuclear, biological and chemical weapons and their means of delivery by means of the specific measures outlined below.

First, emphasizing the strengthening inspections of persons and transport vehicles exiting and entering China at ports and border administrative zones, increasing the frequency of sea patrols, tightening controls on ocean-going ships and fishing vessels, and establishing joint police-civilian mechanisms, which has produced a comprehensive and effective network.

Second, strengthening the collection of intelligence information, including information on proliferation activities, and providing timely and accurate evidence and data to combat these activities.

Third, strengthening international cooperation. In 2001, China participated as an observer in the conference mechanism of coastal-security and law-enforcement agencies in the northern Pacific region, and has embarked on international intelligence exchange and law-enforcement cooperation in the areas of maritime counter-terrorism and crime-fighting. In the domain of international law, China has also launched intelligence exchanges and law-enforcement cooperation with other countries, and has effectively halted or combated some illicit trafficking.

– On the basis of the Customs Law of the People's Republic of China and related non-proliferation export-control laws and regulations, the Chinese Customs is effecting controls on the import and export of relevant sensitive items and technologies. In order to ensure the thorough and effective implementation of Customs controls, the Chinese Customs has set up coordination mechanisms with the other competent Government departments concerned, and has established

cooperative relationships with the customs authorities of numerous countries and regions.

– The Hong Kong and Macao Special Administrative Regions also have border-control regimes and law-enforcement programmes that conform to international standards.

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

In recent years, the non-proliferation oriented export-control regulations promulgated and implemented by the Chinese Government have generally adopted international practice, including the licensing system, the end-user and end-use certification system, the list control method and the "catch-all" principle; the Government has also formulated concrete measures to punish violations of their provisions. Among these,

The *Licensing System* stipulates that the export of sensitive items and technologies shall be subject to examination and approval by the competent departments of the Central Government on a case-by-case basis. No licence, no exports. The holder of an export licence must engage in export activities strictly as prescribed by the licence within its period of validity. Shall there be any change in export item or contents, the original licence must be returned and an application must be made for a new export licence. When exporting the above-mentioned items and technologies, an exporter shall produce the export licence to the Customs, go through the Customs formalities as stipulated by the Customs Law of the People's Republic of China and the relevant control regulations and control measures, and be subject to supervision and control by the Customs.

End-User and End-Use Certification: An exporter of sensitive items and technologies is required to provide a certificate specifying the end-user and the end-use, produced by the end-user that imports them. The end-user must clarify the end-user and end-use of the imported materials or technologies in the above-mentioned certificates, and expressly promise that without permission from the Chinese Government, it shall not use the relevant item provided by China for purposes other than the certified end-use, or transfer it to a third party other than the certified end-user.

List Control Method: Detailed control lists of sensitive materials, equipment and technologies have been established for all relevant Chinese export-control regulations.

"Catch-all" Principle: If an exporter knows or should know that there is a risk of proliferation of an item or technology to be exported, the exporter is required to apply for an export licence even if the item or technology is not on the export control list. When considering an export application or deciding on whether to issue an export licence, the export examination and approval departments shall make an overall assessment of the end-use and end-user of the item or technology to be

exported and the risk of proliferation of weapons of mass destruction. Once such a risk is identified, the competent departments have the right to immediately reject the export licence application and terminate the export activity. Moreover, the competent departments may also exercise, on an ad hoc basis, export control on specific items not included on the relevant control list.

Penalties: Exporters who export controlled items or technologies without approval, arbitrarily export items beyond the approved scope, or forge, alter, buy or sell export licences shall be investigated for criminal liability in accordance with provisions in the Criminal Law of the People's Republic of China on smuggling, illegal business operation, disclosure of state secrets or other crimes. For cases that do not constitute crimes, the competent government department shall impose administrative sanctions, including warnings, confiscation of illicit proceeds, fines, suspension or even revocation of foreign trade licences.

In addition to the foregoing, China has also instituted an *Export Registration System* for controlling the export of sensitive items and technologies, under which all exporters of sensitive items or technologies must be registered with the competent departments of the Central Government. Without the registration, no entity or individual is permitted to engage in such exports. Only designated entities are authorized to handle nuclear exports and the export of controlled chemicals and military products. No other entity or individual is permitted to engage in trade activities in this respect.

– *In the nuclear field*, China's nuclear export is handled exclusively by companies designated by the State Council. In its nuclear exports, China adheres to the following three principles: guarantee for peaceful uses only, acceptance of the safeguards of the International Atomic Energy Agency, and no retransfers to a third country without prior consent of the Chinese Government. In May of 1996, China undertook not to provide assistance (including nuclear exports, personnel or technology exchanges, and cooperation) to nuclear facilities that are not under IAEA safeguards. The Notice on Problems Associated with the Strict Implementation of China's Nuclear Export Policy, circulated by the Chinese Government in May of 1997, clearly specified that nuclear materials, equipment and related technologies exported by China should not be provided to or used by nuclear installations that are not under IAEA safeguards. In 1997 and 1998, China promulgated the Regulations on the Control of Nuclear Export and the Regulations on the Control of Nuclear Dual-Use Items and Related Technologies Export. In February 2002, the Chinese Government promulgated the Provisions on Safeguards for Nuclear Import and Export and External Nuclear Cooperation Control. Amendment III to the Criminal Law of the People's Republic of China, adopted in December 2001, criminalizes offences for such acts as illegally manufacturing, trafficking and transporting radioactive substances, and stipulates criminal punishments for such offences.

In the face of new situations and new challenges, China is currently revising its nuclear-related export-control legislation to adopt the "Catch-All" Principle, and to make acceptance of IAEA safeguards in their entirety a precondition for nuclear export.

– *In the biological field*, the Chinese Government promulgated the Regulations of the People's Republic of China on the Export Control of Dual-Use Biological Agents and Related Equipment and Technologies, and the attached control list. It

established the principle that the relevant exports shall not be used for biological weapon purposes, that without prior consent of the Chinese Government, the dual-use biological agents and related equipment and technologies supplied by China shall not be used for purposes other than the declared end-use, or be retransferred to a third party other than the declared end-user.

– *In the chemical field*, between 1995 and 1997, China promulgated the Regulations of the People's Republic of China on the Administration of the Controlled Chemicals, the Controlled Chemicals List and the Detailed Rules for the Implementation of the Regulations of the People's Republic of China on the Administration of the Controlled Chemicals, under which the import and export of controlled chemicals must be handled by the designated departments, and no other department or individual is permitted to engage in the import and export of these items. In October 2002, the Chinese Government further promulgated the Measures on the Export Control of Certain Chemicals and Related Equipment and Technologies and the attached control list; the measures require importers to guarantee that the controlled chemicals and related equipment and technologies supplied by China shall not be used for stockpiling, processing, producing or handling chemical weapons, or for producing precursor chemicals for chemical weapons, and that, without prior consent of the Chinese Government, the related materials and technologies shall not be used for purposes other than the declared end-use or be re-transferred to a third party other than the declared end-user.

In order to combat chemical and biological terrorism, the Amendment to the Criminal Law of the People's Republic of China adopted in December 2001 clearly designates as criminal offences such acts that endanger public safety as illegally manufacturing, trafficking, transporting, stockpiling or using toxic substances or infectious pathogens, and stipulates criminal punishments for such offences.

– *In the missile field*, the Chinese Government declared in 1992 that it would act in line with the guidelines and parameters of the Missile Technology Control Regime (MTCR) in its export of missiles and related technologies. In 1994, it committed itself not to export ground-to-ground missiles conforming to the primary parameters of the MTCR, i.e. inherently capable of reaching a range of at least 300 km with a payload of at least 500 kg. In 2000, China further declared that it had no intention to assist any country in any way in the development of ballistic missiles that can be used to deliver nuclear weapons. In August 2002, the Chinese Government issued the Regulations of the People's Republic of China on Export Control of Missiles and Related Items and Technologies and the associated control list.

– In addition, the Regulations on the Import and Export Control of Technologies issued by the Chinese Government in 2001 also stipulate that strict control shall be exercised over the export of nuclear technologies, technologies related to dual-use nuclear products, the production technologies of controlled chemicals, and military technologies. The Customs Law of the People's Republic of China and the Administrative Punishments Law of the People's Republic of China also provide a legal basis for non-proliferation export control.

– The Hong Kong Special Administrative Region maintains a law-based, comprehensive system for controlling trade in strategic items, and, in accordance with international standards, has thoroughly reflected in its legislation the export control mechanisms of many countries at the international level as well as the

control list associated with the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. For this reason, the import, export and transit of strategic items that could be used to make weapons of mass destruction must be submitted to the control of the licensing system. Any person who violates this legislation is liable to a maximum penalty of unlimited fines and seven years' imprisonment. The legislation also imposes end-use controls on items related to the development of weapons of mass destruction.

– Law 7/2003 of the Macao Special Administrative Region established a legal system governing external trade, on the basis of which the Chief Executive Order no. 272/2003 was adopted. That Order prohibits the import into, export from or transit through the Macao Special Administrative Region of chemical materials and their precursors included in Schedule 1 of the Chemical Weapons Convention, as well as limiting the import into, export from or transit through the Macao Special Administrative Region of chemical materials and their precursors included in Schedules 2 and 3 of the Convention. The Government of the Region is currently drafting a law on the comprehensive implementation of relevant provisions of the Convention. At the same time, it is also preparing to draft a separate law on export controls of nuclear and biological/toxic substances and related strategic goods; laws on other aspects of control shall also be drafted. In addition, SAR Law no. 4/2002 on compliance with international instruments criminalizes the provision of prohibited non-military services (article 20), the trade in prohibited products or merchandise (article 21), the use or provision for use of embargoed funds (article 22), and the supply of prohibited weapons or related equipment and the provision of prohibited military logistical assistance or services of a military nature (article 23).

4. **Operative paragraph 6 of the resolution:**

Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;

As mentioned above, the export-control regulations promulgated and put into effect by the Chinese Government in the nuclear, biological, chemical and missile fields all have control lists associated with them. The aforementioned lists draw comprehensively upon the methodology of the export-control mechanisms of such multinational groupings as the Zangger Committee, the Nuclear Suppliers Group (NSG), the Australia Group and the Missile Technology Control Regime (MTCR). Specifically:

– The control lists for China's Regulations on the Control of Nuclear Export and on the Control of Nuclear Dual-Use Items and Related Technologies Export are exactly the same in the scope of their controls as the lists compiled by the Zangger Committee and the Nuclear Suppliers Group, and are adjusted in accordance with changes in those lists.

– The control list appended to the Regulations of the People's Republic of China on the Export Control of Dual-Use Biological Agents and Related Equipment and Technologies, issued by the Chinese Government in October 2002, contains a total of 79 pathogen types, 17 toxin types, and 7 broad categories of dual-use equipment and related technologies, covering human and zoonotic pathogens, plant pathogens, animal pathogens, genetic material and genetically modified organisms,

and dual-use biological equipment and related technologies; in the scope of its controls, the list is basically the same as that of the Australia Group.

– China's current control lists for chemicals, equipment and technologies include the List of Controlled Chemicals in All Categories, the List of Additions to Category III Chemicals, and the control list appended to the Measures on the Export Control of Certain Chemicals and Related Equipment and Technologies. Taken together, these involve 63 types (categories) of chemicals and 9 major categories of equipment and technologies; in the scope of their controls, the lists are the same as that of the Australia Group.

– The control list appended to the Regulations of the People's Republic of China on Export Control of Missiles and Missile-Related Items and Technologies comprises two parts. Part I covers missiles and other delivery systems (including ballistic missiles, cruise missiles, rockets and unmanned aircraft) and their specially designed items and technologies; Part II covers missile-related items and technologies, and is subdivided into nine major categories: re-entry vehicle components, parts and related technologies; propulsion-system components, parts and related technologies; liquid propellants; solid propellants and propellants constituents; guidance and control set, components and related technologies; target-detection systems and related electronics; materials; ballistic missile- and rocket-related design and testing technology and equipment; and production equipment and technology. In the scope of its controls, the list is basically the same as that of the Missile Technology Control Regime.

5. **Operative paragraph 8 of the resolution:**

Calls upon all States:

(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

China has participated extensively in the construction of the multilateral non-proliferation mechanism and actively promoted its constant improvement and development. China has signed all international treaties related to non-proliferation, and supports the strengthening of current international non-proliferation efforts.

– *In the nuclear field*, China joined the International Atomic Energy Agency (IAEA) in 1984, and actively participates in the Agency's activities to promote the peaceful uses of atomic energy and to strengthen safeguards. In 1988, China acceded to the Convention on the Physical Protection of Nuclear Material and actively participated in the work of revising that Convention. It acceded to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in 1992. It took an active part in the negotiation of the Comprehensive Nuclear Test Ban Treaty (CTBT) and was among the first countries to sign the CTBT in 1996. China became a member of the Zangger Committee in 1997. China signed the Protocol Additional to the Agreement Between China and IAEA for the Application of Safeguards in China in 1998, and in 2002 formally completed the domestic legal procedures

necessary for the entry into force of the Protocol. China joined the Nuclear Suppliers Group (NSG) on 27 May 2004. China has consistently supported the countries concerned in their efforts to establish nuclear-weapon-free zones on the basis of voluntary negotiation and agreements. It has signed and ratified the protocols to the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), the South Pacific Nuclear-Free Zone Treaty (Treaty of Raratonga), and the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba). China has expressly commited itself to signing the protocol to the Treaty on the Southeast Asia Nuclear-Weapon-Free Zone (Treaty of Bangkok) and supported the initiative for the establishment of a Central Asian nuclear-weapon-free zone.

– *In the biological field*, China has always strictly observed its obligations under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BWC) since its accession in 1984, and has provided no support, encouragement or aid to any country to develop biological weapons or their means of delivery. China has also enthusiastically contributed to the international efforts aimed at enhancing the BWC effectiveness and actively participated in the negotiations on the protocol to the BWC and in international affairs related to the BWC. As from 1988, it has, on an annual basis, submitted to the United Nations the declaration data of the confidence-building measures for the BWC in accordance with the decision of its Review Conference. With the promulgation and effective enforcement of such laws and regulations as Amendment III to the Criminal Law of the People's Republic of China, the Regulations of the People's Republic of China on the Export Control of Dual-Use Biological Agents and Related Equipment and Technologies, the Law of the People's Republic of China on the Prevention and Control of Infectious Diseases, and the Regulations on Response to Public Health Emergent Incidents, the Chinese Government is conscientiously fulfilling its obligations under the provisions of the BWC.

– *In the chemical field*, China has made a positive contribution to the negotiation and conclusion of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (CWC). It signed the Convention in 1993 and deposited its instrument of ratification in 1997. In March 1997, the Chinese Government established, under the leadership of a Vice-Premier of the State Council, the National Leading Group on the Implementation of the CWC, as well as its implementation office (National Authority), which was mandated to implement the CWC nation-wide. China has also set up CWC-implementing organs at the provincial level, thus forming a national implementation system covering the entire nation and working under effective management. Pursuant to the provisions of the CWC, China has submitted its initial and annual declarations to the Organization for the Prohibition of Chemical Weapons (OPCW) in a timely and comprehensive manner. Up till September 2004, China has successfully received 81 on-site inspections from the OPCW.

– *In the missile field*, China supports the international community in its efforts to prevent the proliferation of missiles and related technologies and materials, and adopts a positive and open attitude toward all international proposals for strengthening the missile non-proliferation mechanism. China has constructively participated in the work of the United Nations Panel of Governmental Experts on

the Issue of Missiles in all its Aspects, as well as in the international discussions on the drafting of the Hague Code of Conduct Against Ballistic Missile Proliferation and the proposal of a Global Missile Control System.

(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

The Chinese Government attaches a high degree of importance to international cooperation on non-proliferation, and strictly fulfils its obligations under international non-proliferation agreements.

– China actively supports the activities of the IAEA in the areas of safeguards and the promotion of peaceful uses of atomic energy. It joined the Agency in 1984 and signed the Additional Protocol to strengthen IAEA safeguards in December 1998; in March 2002 China formally completed the domestic legal procedures necessary for the entry into force of the Additional Protocol, thus becoming the first nuclear-weapon state for which the Additional Protocol entered into force.

China supports and actively participates in the technical-cooperation activities of the IAEA, and makes full and timely contributions to the technology cooperation fund each year in accordance with its apportioned share. On the basis of the principle of positive participation and open exchange, and at the same time as it receives IAEA assistance, China provides human, material and financial support for the Agency's technical-cooperation activities. By the end of 2003, it had contributed approximately US$ 13 million in technical-cooperation funds (including contributions made under the Regional Co-operation Agreement as well as extrabudgetary contributions); additionally, prior to 2002 China had provided the Agency with equipment valued at US$ 8,763,100, had sent experts to other States members of the Agency a total of 646 person-times, received foreign technical personnel in China for training or scientific visits a total of 227 person-times, provided specialized training for other States members of the Agency through contracting agencies a total of 918 person-times, thus making its own contribution to the international peaceful use of nuclear energy. This year is the twentieth anniversary of China's joining the IAEA; China plans to make a further extra contribution to the Agency in order to demonstrate its support for the Agency's technical-cooperation activities and assist developing countries in the peaceful use of atomic energy.

In the final analysis, China adheres to the principles of mutual respect for sovereignty and of equality and mutual benefit, and of developing international cooperation in the peaceful use of nuclear energy under IAEA safeguards. At present, China has signed inter-Governmental agreements on cooperation in the peaceful use of atomic energy with 16 countries, including the United States of America, the Federal Republic of Germany, Japan, the Russian Federation, France, and the Republic of Korea, providing a solid basis from which China can launch exchanges and cooperation in the nuclear field with those countries. China has embarked upon a broad range of exchanges and cooperation with developed countries, including personnel visit exchanges, introductions of equipment and technology, and economic and trade relationships, with highly fruitful results. China has exported nuclear materials to such countries as the United States, Japan and

Canada, and has successively imported nuclear power-plant equipment and technology from France, Canada, Russia, Japan and the Republic of Korea. As a developing country with an established nuclear-industrial capability, China attaches great importance to cooperation with developing countries, and continuously strives to provide as much assistance as it can to other developing countries. Examples include cooperation with Pakistan on building a nuclear power plant at Chashma, export of miniature neutron-source reactors to such countries as Ghana and Algeria, as well as helping Ghana build a tumour-treatment centre. The Chinese Government actively supports various activities that promote the development of nuclear technology and the peaceful use of nuclear energy; it successfully sponsored the thirteenth Pacific Basin Nuclear Conference at Shenzhen in October 2002, which was the second time China had sponsored such a meeting. The convocation of the Conference was a positive contribution to the development of peaceful uses of atomic energy in this region and the world.

– The Chinese Government attaches great importance to, and actively participates in OPCW work of all kinds. In fulfilling its obligations under the CWC, China has established special CWC-implementing organs and submitted its initial and annual declarations to the OPCW in a timely and comprehensive manner. Up till September 2004, China has successfully received 81 on-site inspections from the OPCW. China attaches great importance to international cooperation, strives to accelerate the economic and technological development in the chemical field and promote the chemical trade and international cooperation for peaceful purposes among States Parties. China has also actively participated in all kinds of OPCW activities. China and the OPCW jointly organized, in China, two workshops for inspectors and two regional seminars on the implementation of the CWC. In September 2004, China and the OPCW jointly held, in Beijing, the Second Regional Meeting of National Authorities of States Parties in Asia.

– China has always strictly observed its obligations under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BWC) since its accession in 1984. As from 1988, it has, on an annual basis, submitted to the United Nations the declaration data of the confidence-building measures for the BWC in accordance with the decision of its Review Conference. China has also enthusiastically contributed to the international efforts aimed at enhancing the BWC effectiveness, and actively participated in the negotiations on the protocol to the BWC and in international affairs related to the BWC.

– China believes that given the dual-use nature of many of the materials, equipment and technologies involved in nuclear, biological, chemical and aerospace fields, it is important that all countries, in the course of implementing their non-proliferation policies, strike a proper balance between non-proliferation and international cooperation for peaceful use of the relevant high technologies. In this connection, China maintains that, while it is necessary to guarantee the rights of all countries, especially the developing nations, to utilize and share dual-use scientific and technological achievements and products for peaceful purposes subject to full compliance with the non-proliferation goal, it is also necessary to prevent any country from engaging in proliferation under the pretext of peaceful utilization.

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

– The Chinese Government has taken numerous effective and practical measures to ensure that the relevant non-proliferation policies and export-control laws and regulations are implemented and carried out in the operational activities of enterprises.

On the one hand, once a relevant law or regulation is promulgated, the Government will publicize news about it in the national media. The full texts of relevant international treaties, non-proliferation control laws and regulations, ordinances, and control lists are published in the professional or special publications and on the web sites of Government departments, external-trade enterprises and research institutions. These announcements provide favourable conditions for those engaged in related export business to search the regulations and control lists. The competent Government departments concerned are also taking active measures to require the enterprises and agencies involved to conscientiously observe the regulations, as well as disseminating information, by means of lectures on legislation, training courses, seminars, free pamphlets, and commercial consultation, to the main export enterprises regarding the content of the laws and regulations and the procedure for export examination and approval, thereby increasing non-proliferation awareness among enterprises and establishing an ideology of observance, and strict enforcement, of the law.

On the other hand, besides respecting and strictly observing Government export-control laws and regulations on their own initiative, enterprises engaged in export business are also obligated to lend their active support to the work of competent Government departments in implementing export controls, including proactively reporting suspicious proliferation situations to the competent Government departments, supporting the work of associated investigations and evidence-gathering, and taking full responsibility for exports that violate the regulations.

– The Government of the Hong Kong Special Administrative Region (HKSAR) has an established outreach programme and regular company visits, such as issuing circulars to inform the trade of the need to comply with various requirements of its control system. If necessary, the HKSAR Government would organize seminars and workshops to provide information and update on specific topics of the strategic trade control system and for specific groups of traders. In addition, the HKSAR Government has set up dedicated web sites for its strategic trade control system and the implementation of CWC in the HKSAR to facilitate easy access of traders and members of the public to information on the latest requirements and development in the respective areas.

– The Government of the Macao Special Administrative Region informs businesses of regulation related to non-proliferation by means of the legal framework described above.

6. **Operative paragraph 9 of the resolution:**

Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;

China holds that proliferation issues should be dealt with by political and diplomatic means; and stresses the importance of as well as actively engages in dialogue and cooperation on non-proliferation with other countries. China frequently engages in bilateral discussions and exchanges on non-proliferation and export controls with such countries as the United States, the Russian Federation, Great Britain, Germany, the European Union, Turkey, Pakistan and Iran; it is also actively developing relationships with multilateral export-control mechanisms. China joined the Nuclear Suppliers Group in May of 2004. In September 2003, China announced that it would favourably consider the issue of its participation in the Missile Technology Control Regime. China had held separate discussions with the Regime in February and June of 2004. In April 2004, China held successful dialogues in Vienna with the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies; moreover, China maintains contact and exchanges with the Australia Group.

7. **Operative paragraph 10 of the resolution:**

Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials.

China opposes the proliferation of weapons of mass destruction and of their means of delivery and related materials; in accordance with the relevant domestic and international legislation, it strictly combats illicit trafficking in such items; and has embarked on information exchanges and law-enforcement cooperation in accordance with international law with other concerned countries.

China believes that Security Council resolution 1540 (2004) further promotes and strengthens international cooperation on the basis of currently existing international law, with a view to appropriately resolving the problem of illicit trafficking in weapons of mass destruction and their means of delivery and related materials by non-State actors and preventing the further proliferation of weapons of mass destruction. The fundamental goal of non-proliferation is the maintenance and promotion of international and regional peace, stability and security. For this reason, China advocates the development and strengthening of international cooperation in this regard on the basis of equality, trust and strict adherence to international law, along with the use of dialogue to resolve related conflicts, and does not endorse the use of military force to resolve non-proliferation issues.